

REMARKS

The courtesy accorded applicants' attorney in the interview conducted October 20, 2005 is acknowledged with appreciation.

This is a continuing application, the original application having issued as Patent No. 6,748,365. The claims in the original application were directed to the processing of rebate claims in which the customer submitted a transaction code as contrasted with a product code, i.e., a transaction code being something that uniquely identifies the transaction in which one or more items were purchased that had one or more rebate offers associated therewith, and a product code being something that uniquely identifies a specific rebatable item being purchased in the transaction.

The prior art Finsterwald patent cited in the original application is understood to be the closest prior art. As stated by the examiner at the time of allowance:

The code generated in the closest prior art Finsterwald (US 6,039,244) and Fajkowski (US 6,905,246) equated to a rebate code, not a transaction code.. . . Therefore, Finsterwald and Fajowski, either singularly or in combination, fail to anticipate or render obvious sending a transaction code. Therefore, the examiner considers the novel feature of the invention to be submitting a transaction code to the rebate center instead of a rebate code.

While it is clear that the examiner's comments were directed to the "invention" as defined by the single independent claim before him which related *inter alia* to the code submitted by the customer, and while the prosecution history as a whole is the best evidence of the patentability of such claim, it is also clear that the examiner expressly recognized the distinction between a code that identified a transaction and a code that identified a specific item purchased in such transaction. This distinction was discussed at

the interview and, while the examiner indicted that a further search would be conducted, the examiner agreed that none of the prior art cited in the original application would be cited against any claim that required the use of a transaction code in the processing of a rebate claim.

In the claims submitted by this second preliminary amendment, the transaction is generally recited as being identifiable by “a unique transaction identifier”. While these words do not appear *in hoc vice* in the written description of the original application as filed, the patent law does not require that they do. It is clear that there is ample support for the concept of a one-of-a-kind, or unique, “identifier” that identifies a specific sales “transaction”.

For example, the application discloses a exemplary process in which “Purchase of the one or more designated products occurs in one or more qualified transactions, each qualified transaction having a transaction serial number assigned thereto” (p.7, ll. 16-17) and where a rebate claim may be made “by providing the serial numbers of the qualified transactions (p.9, ll. 3-4). In one embodiment, the “fulfillment administrator then associates each [transaction] serial number in the stored data record with a purchase data record having an identical [transaction] serial number” (p.17, ll. 15-17). One form of the invention is described as “receiving from a consumer the transaction serial code of the transaction during which the rebate item was purchased.” (p.36, ll. 17-18).

The transaction identifying number, e.g., a serialized number identifying the store, point-of-sale processor, time, date, etc. as printed by the point-of-sale processor, does not identify the specific item(s) purchased in the sales transaction nor indicate whether or not

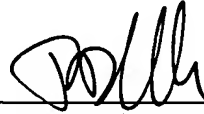
there was one or more rebate offers associated with any item(s) purchased in such transaction. It is clear from the application that the identifier of the transaction, whether “serial number”, “transaction serial number” or “transaction code”, is “unique”, e.g., **“Because the individual serial numbers for each qualified transaction are unique, a fraudulent consumer cannot just manufacture any authentic looking cash receipt and successfully claim a rebate.”** (p.34, ll. 8-10, emphasis added). Note that the present claims are directed to a method of processing a rebate claim at the processing site rather than to the method performed by the customer in submitting the rebate claim.

As the examiner has recognized, Finsterwald discloses a method of evaluating the satisfaction of a rebate claim in which the customer is provided at the point of sale with a receipt uniquely identifying a specific product purchased in the transaction, e.g., the combination of (a) a non-unique identifier of a product with which a rebate is associated such as a bar code or SKU and (b) a unique number randomly or pseudo-randomly generated. Because this product code is unique to a specific item, Finsterwald contemplates that it may be generated well in advance of the actual transaction at which the product is sold.

The difference between a transaction identifier and a rebated product identifier is commercially significant. The use of a unique transaction identifier in the evaluation of the satisfaction of rebate offers facilitates the evaluation, e.g., of (1) one rebate offer associated with one product, (2) two rebate offers associated with one product, (3) a common rebate offer associated with two products, and (4) different rebate offers associated with different products.

In the absence of the citation of additional and more relevant prior art, this continuation application is believed to be in condition for allowance.

Respectfully submitted,



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